

able to agree with a majority of your committee, who have reported the same favorably, respectfully assign their reasons for dissenting therefrom:

The validity of the patents sought to be validated is now undergoing judicial investigation. If the patents were properly issued they will be sustained and no legislation is necessary. If they were issued in violation of law we have heard no cause assigned, and know of no sufficient reason why the illegal location should be ratified.

Whatever may have been the intention of the lawmakers when the act granting the certificates to the veterans was passed, the language of the act itself, in our opinion, clearly excludes the idea that they intend to open up the reserved lands in Greer county to the location of the veteran certificates. Such was the contemporaneous interpretation of the Statutes for at two sessions of the Legislature, and before any of certificates were located in Greer county, bills were introduced to authorize the very locations which were afterwards made, and which the bill under consideration seeks to legalize. These bills failed to become a law. After the veterans believing that there was no land upon which they could be located, had parted with their certificates for trivial considerations, the astonishing discovery was made that there was no need of the relief which had been so urgently sought and so persistently refused, because they could be located in Greer county, according to the terms of the original act. Those who held the certificates voluntarily assumed the risk of what has since been found, or at least of what is now supposed to be the illegal locations of the lands, and they now come before this body claiming:

First. That their locations are valid.

Second. That if not valid without legislation, then they have just claims on the munificence of the government. That the proposed legislation would be a proper recognition of the inestimable debt of gratitude which all Texans owe to those who risked their lives that we might enjoy the rich heritage which their bravery won and their wisdom preserved for us.

As to the first ground we say the courts will see that the rights of all, under the laws, are preserved inviolate.

The second is disposed of by the mere statement of the case.

It clearly appears that but few of those who have especial claims upon the bounty of the State would be the recipients of its gratuity under the bill under consideration.

We frankly concede that as a matter of right before the courts this fact should have no effect and would receive no consideration, but when we are to attempt to discharge even a small pittance of the debt due to those to whom we owe so much, we should see that those who are entitled to, receive our acknowledgements and the State's bounty.

This the bill under consideration does not do. It is in the interest of a few men whose right under the law if they have any, we respect and will go to any extent to protect, but whose claims to especial favors we cannot acknowledge.

BELL.
MCDONALD.
HOUSTON.
FRANK.
ARMISTEAD.
GREGG.

On motion of Senator Burges,
The Senate adjourned till 10 o'clock to-morrow morning.

THIRTY-THIRD DAY.

SENATE CHAMBER. }
AUSTIN, February 17, 1887. }

The Senate met pursuant to adjournment.

Lieut. Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Armistead,

The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

BY SENATOR ARMISTEAD:

Memorial from citizens of Morris county, praying for a law authorizing the chartering of co-operative stores.

Referred to Judiciary Committee No. 1.

BY SENATOR GLASSCOCK:

Petition from the Farmers' Alliance of Williamson county, asking for increase pay to be allowed jurors and for mileage, also for amendment to the

cotton weighers' act, and to prevent dealing in futures.

Referred to Committee on Finance.

And,

Petition from city council of Georgetown, asking to amend the law with reference to hiring out city convicts and to better utilize city convict labor.

Referred to Judiciary Committee No. 1.

REPORTS OF STANDING COMMITTEES.

BY SENATOR HOUSTON:

COMMITTEE ROOM, }
AUSTIN, February 16, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 16, entitled:

"Joint resolution proposing an amendment to Article 6, section 1, of the Constitution of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON, chairman.

Joint resolution read first time.

BY SENATOR CLAIBORNE:

Minority report:

COMMITTEE ROOM, }
AUSTIN, February 17, 1887. }
Hon. T. B. Wheeler, President of the Senate:

The undersigned a minority of your Committee of Constitutional Amendments, to whom was referred Senate Joint Resolution No. 16, proposing to amend section 1, Article 6, of the constitution, dissenting from the views of a large majority of your committee beg leave to submit this my minority report.

The joint resolution proposes to prohibit all persons from voting who do not produce at the polls a poll tax receipt (if subject thereto.) I do not desire to tax a man for the privilege of casting his vote, but submit the fact that a man who does not contribute something to carry on the government, whose immunities and protection he enjoys, is not a suitable person to elect legislators to pass laws, or men to administer the affairs of State.

The object is not so much to gain revenue as make the ballot pure. It will prevent repeating, and not stifle the voice of the true citizen. All men should pay something towards the revenue of the State, and no man ought to cast more than one vote in an election, and this law will make the ballot absolutely pure, and for divers other reasons.

Respectfully submitted,

CLAIBORNE, for minority.

BY SENATOR HOUSTON:

COMMITTEE ROOM, }
AUSTIN, February 16, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred Substitute House joint resolution No. 1, entitled:

"Joint resolution to amend section 24, Article 3, of the Constitution of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON, chairman.

Joint resolution read first time.

COMMITTEE ROOM, }
AUSTIN, February 16, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 14, entitled:

"Joint resolution proposing an amendment to Article 16, section 51, of the Constitution of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON, chairman.

Joint resolution read first time.

MINORITY REPORT.

COMMITTEE ROOM, }
AUSTIN, February 16, 1887. }
Hon. T. B. Wheeler, President of the Senate:

The undersigned, a minority of your committee on Constitutional Amendments, to whom was referred joint

resolution No. 14, proposing an amendment to Article 16, section 51, of the Constitution of the State of Texas, beg leave to dissent from the majority and beg leave to submit this minority report.

1. That there should be some limit to a homestead in Texas

2. That it is against the best interest of the greatest number and renders realty of no value as a basis for security, and encourages general rascality; and divers other good and sufficient reasons that are apparent to the thinker.

CLAIBORNE, for minority.

BY SENATOR HOUSTON:

COMMITTEE ROOM, }

AUSTIN, February 16, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 7, amending Article 4, section 23 of the Constitution of the State, and Senate joint resolution No. 9, amending Article 4, section 5 of the Constitution of the State, and Senate joint resolution No. 8, amending Article 4, section 21 of the State Constitution," have had the same under consideration, and instruct me to report them back to the Senate with the recommendation that they do not pass.

All of which is respectfully submitted.

HOUSTON, chairman.

Joint resolutions No. 7, 8 and 9 read first time.

BY SENATOR CLAIBORNE:

COMMITTEE ROOM, }

AUSTIN, February 16, 1887 }

Hon. T. B. Wheeler, President of the Senate:

Sir—The undersigned, a minority of your Committee on Constitutional Amendments, to whom was referred Senate joint resolutions Nos. 9, 8 and 7, proposing to amend Article 4, section 5, seeking to increase the salary of the Governor of the State to the sum of \$5,000 per annum. Also Article 4, section 21, seeking to increase the salary of Secretary of the State to the sum of \$2,500. Also, Article 4, section 23, seeking to increase the salaries of the Comptroller, Commissioner of the General Land Office and the Treasury

of the State to \$3,000 per annum," beg leave to dissent from the majority and say that the salaries paid the over-worked heads of departments are meagre, insufficient, and to all intents niggardly for a great State like ours. These men hold responsible positions, execute large bonds, and are not paid commensurate with the labor performed, or the great responsibility of their trusts.

CLAIBORNE, for minority.

BY SENATOR HOUSTON:

COMMITTEE ROOM, }

AUSTIN, February 16, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred a message of his excellency the Governor, transmitting the amendments of the Bar Association of the State to the judiciary Article of the State Constitution, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON, chairman.

The report and message was read first time and laid on the table subject to call under the rule.

SENATOR TERRELL

Gave notice of intention to file minority report on this subject.

BY SENATOR UPSHAW:

COMMITTEE ROOM, }

AUSTIN, February 16, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 3, entitled:

"Senate joint resolution proposing the submission of an amendment to section 12, Article 8, of the State Constitution," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

UPSHAW, acting chairman.

Joint resolution read first time.

BY SENATOR TERRELL:

COMMITTEE ROOM, }
AUSTIN, February 16, 1887. }
Hon. T. B. Wheeler, President of the
Senate:

Sir—Your Judiciary Committee No. 1, to whom was recommended Senate bill No. 170, entitled:

"An act to amend Article 3641, chapter 1, title 74, Revised Civil Statutes relating to the appointment of pilots, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

BY SENATOR FRANK:

COMMITTEE ROOM, }
AUSTIN, February 17, 1887. }
To Hon. T. B. Wheeler, President of
the Senate:

Sir—Your Committee on Engrossed Bills have carefully compared Substitute Senate bill No. 50 being,

"An act to require railway companies to give their employes thirty days notice before reducing their wages, and to provide a remedy for the violation thereof," and find the same correctly engrossed.

FRANK, chairman.

THE PRESIDENT

Announced that, being urgently requested by Senator Abercrombie, he would relieve him from the chairmanship of the Committee on Enrolled Bills, and would appoint Senator Field to the vacated chairmanship.

On motion of Senator Woods, Senator Garrison was excused for the day on account of sickness.

BILLS AND RESOLUTIONS.

BY SENATOR TERRELL:

By request.

"An act to allow parties to divorce suits to testify in their own behalf.

Referred to Judiciary Committee No. 1.

And

By request:

"An act to fix and determine the venue of suits to recover damages for wrongfully and maliciously suing out writs of attachment and procuring property to be seized thereunder."

Referred to Judiciary Committee No. 1.

The bill fixes the venue in the county where the defendant lives, or in the county where such levy is made."

And

By request:

"An act to prevent causes of action for injury done the person or reputation from abating upon death of the injured person.

Referred to Judiciary Committee No. 1.

The bill provides "that all causes of action for injury done the person or reputation shall, in case of the death of the person injured, survive to and vest in his or her heirs or legal representatives, who may maintain suit therefor in their own name."

BY SENATOR JARVIS:

A bill to be entitled:

"An act to amend an act to authorize the council of certain cities and towns to appoint a board of school trustees, approved April 14, 1883."

Referred to Committee on Education.

The following message was received from the Governor, read and ordered printed in the Journal:

To the Senate of Texas:

I ask your advice and consent to the reappointment of

T. D. Wooten, M. D., of Travis county,

T. M. Harwood of Gonzales county, and

E. J. Simkins of Navarro county,

And to the appointment of

W. L. Prather of McLennan county, as

Regents of the University of Texas.

Respectfully,

L. S. Ross,
Governor.

On motion of Senator Bell

Senate bill No. 24:

"An act to define a certain part of the boundary of the State of Texas and to authorize the institution and prosecution of a suit in the Supreme Court of the United States against the State of Kansas to establish the same and to establish the jurisdiction of the State of Texas over certain territory therein described and to appropriate money to meet the expenses attending such suit," was taken up out of its regular order and made the special order for Monday next after morning call.

On motion of Senator Terrell,
Senate bill No. 200:

"An act in regard to land and land titles in Greer county and to repeal an act entitled an act to set aside the public lands embraced within the territorial limits of the county of Greer to educational purposes and for the payment of the public debt approved February 25, 1879, so far as it conflicts therewith," was taken up out of its regular order and made the special order for Friday, the 25th. inst.

SENATOR BELL

Entered a motion to reconsider the vote by which Senate bill No. 126:

"An act to amend Article 610, of chapter 5, title 20, of the Revised Civil Statutes of the State of Texas," was on yesterday lost.

SENATOR HOUSTON

Asked to have the Journal of the 15th corrected to show that he introduced a bill to create "Willie," and not "Willis" county.

The following petitions were sent up, by leave:

BY SENATOR HOUSTON:

Petition of six hundred citizens of the territory embraced in the proposed new county of Willie, praying for the creation of the same.

Referred to the Committee on Counties and County Boundaries.

And,

Memorial from citizens of Clay county, praying that said county be included in House bill No. 89.

Referred to Judiciary Committee No. 2.

BY SENATOR BURGESS:

Petition from citizens of Robertson county, asking legislation on penitentiary matters.

Referred to Committee on Penitentiaries.

BY SENATOR BURNBY:

Petition of the county commissioners' court of Medina county, asking for the postponement of the enforced collection of taxes for the year 1886.

Referred to Committee on Finance.

By leave,

The following bills were sent up:

BY SENATOR GLASSCOCK:

A bill to be entitled:

"An act to amend Article 418, title 17 of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

This bill amends the law to enable the cities to better utilize the city convict labor and to authorize cities to hire out convicts, in cases where the law makes no provision.

BY SENATOR TERRELL:

By request:

A bill to be entitled:

"An act to enable the State to comply with the terms of its contract for the building the new State capitol in issuing patents to the capitol contractor and to refund certain monies to the said contractor which he has paid for patent fees to the commissioner of the general land office."

Referred to Committee on Public Lands.

BY SENATOR HARRISON:

A bill to be entitled:

"An act to amend Articles 4251, 4252, 4253, 4254 and 4255 of chapter 10, of title 84 of the Revised Civil Statutes of the State of Texas."

Referred to Committee on Internal Improvements.

By leave,

SENATOR POPE

Sent up the following committee report:

COMMITTEE ROOM, }
AUSTIN, February 17, 1887. }

Hon. T. B. Wheeler, President of the Senate;

Sir—Your Committee on Public Lands, to whom was referred Senate bill No. 186, being a bill to be entitled:

"An act to provide for the exchange of alternate sections of land in portions of the State between individuals and the State," have had the same under consideration and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

POPE, chairman.

Bill read first time.

BY SENATOR TERRELL:

By leave.

COMMITTEE ROOM, }
AUSTIN, February 17, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 250, entitled:

"An act to amend chapter 4, title

29, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1199a, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill seeks to supply a defect in our venue laws, so that a suit for breach of warranty of title to lands may be brought in any county where any one of several vendors reside, and to join all others in the same suit.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

On motion of Senator Frank.

Senate bill No 1, with committee substitute, (the reformatory bill) was made the special order for next Monday after morning call, and from day to day till disposed of.

Senate bill No. 22.

"An act to provide for the regulation of railroad freight and passenger tariff in this State, to prevent unjust discrimination and extortion in the rates charged for transportation of passengers and freight, and to prohibit railroad companies, corporations and lessees in this State from charging any other than just and reasonable rates, and to punish the same and prescribe a mode of procedure and rules of evidence in relation thereto, and to appoint commissioners and to prescribe their powers and duties in relation to the same" was taken up as special order and read second time with committee (favorably reported) substitute as follows:

A bill to be entitled:

"An act to provide for the regulation of railroad freight and passenger tariffs in this State; to prevent unjust discrimination and extortion in the rates charged for transportation of passengers and freights, and to prohibit railroad companies, corporations and lessees in this State from charging any other than just and reasonable rates, and to punish the same, and prescribe a mode of procedure and rules of evidence in relation thereto, and to appoint commissioners, and to prescribe their powers and duties in relation to the same.

On motion of Senator Upshaw,
The substitute was adopted.

SENATOR TERRELL

Moved to lay the bill on the table, subject to call.

Lost by the following vote:

YEAS—10.

Bell,	Harrison,
Burney,	Houston,
Calhoun,	McDonald,
Davis,	Terrell,
Field,	Woodward.

NAYS—16.

Abercrombie,	Gregg,
Allen,	Jarvis,
Armistead,	Knittle,
Camp,	Lane,
Claiborne,	MacManus,
Douglass of G,	Stinson,
Frank,	Upshaw,
Glassecock,	Woods.

ABSENT—2.

Burges,	Pope.
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SENATOR TERRELL

Moved to amend by striking out the enacting clause.

SENATOR CLAIBORNE

Made an extended argument against the amendment, and in favor of the bill as substituted.

SENATOR BURNEY

Made a lengthy speech in favor of the amendment, and against the bill, as also did Senator Terrell.

(Senator Camp in the chair.)

SENATOR ALLEN

Spoke at some length in opposition to the amendment, and in support of the bill.

(Lieutenant Governor Wheeler in the chair.)

On motion of Senator Gregg,

The Senate adjourned till 10 o'clock to-morrow morning.

THIRTY-FOURTH DAY.

SENATE CHAMBER. }

AUSTIN, February 18, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain Dr. Smoot.

On motion of Senator Woodward,

The reading of the Journal of yesterday was dispensed with.